

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:19-00215-CR-RK
)	
(1) PATRICK MICHAEL DINGLE,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

Pending before the Court are Defendant’s Motion to Suppress and request for a *Franks* hearing (Doc. 38) and Defendant’s Fourth Motion to Dismiss the Indictment (Doc. 55).

In his Motion to Suppress (Doc. 38), Defendant seeks to suppress all evidence obtained during searches conducted on March 6, 2018, due to alleged Fourth Amendment violations. Defendant requests a *Franks* hearing based on alleged inadequacies in the search warrant affidavits. United States Magistrate Judge Jill A. Morris conducted an oral argument on Defendant’s Motion to Suppress on September 30, 2020.

On January 22, 2021, Judge Morris issued the Report and Recommendation. (Doc. 87.) Defendant filed objections to the Report and Recommendation on February 19, 2021. (Doc. 91.)

Pursuant to Federal Rule of Criminal Procedure 59(b)(3), “[a] district judge must consider *de novo* any objection to a magistrate judge’s recommendation.” After an independent, *de novo* review of the record, including the applicable law, and Defendant’s objections and Motion to Suppress, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Morris. (Doc. 87.)

In his Fourth Motion to Dismiss the Indictment (Doc. 55), Defendant argues the Indictment failed to state an offense in that it allegedly charged as a crime conduct not covered by the scope of the federal wire fraud statute.

On February 3, 2021, Judge Morris issued the Report and Recommendation. (Doc. 88.) Defendant filed objections to the Report and Recommendations on March 2, 2021. (Doc. 93.)

After an independent, *de novo* review of the record, including the applicable law, and Defendant’s objections and Fourth Motion to Dismiss the Indictment, this Court hereby adopts

and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Morris. (Doc. 88.)

Accordingly, it is hereby **ORDERED** that:

- (1) Defendant's objections are **OVERRULED**;
- (2) Judge Morris's Reports and Recommendations (Docs. 87 and 88) are **ADOPTED**; and
- (3) Defendant's Motion to Suppress Evidence (Doc. 38) and Fourth Motion to Dismiss the Indictment (Doc. 55) are **DENIED**.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: March 16, 2021